

Mr. President, this affirmation can and must continue. Legal services must be strengthened and expanded. This measure therefore deserves the attention of both Congress and the executive branch.

I ask unanimous consent to the inclusion in the RECORD of the text of the measure I propose.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1291) to provide for an expanded legal services program within the Office of Economic Opportunity, introduced by Mr. MONDALE, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 1291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Legal Services to the Poor Act."

SEC. 2. The Economic Opportunity Act of 1964 is hereby amended by:

- (1) striking out paragraph (3) of section 222(a) and renumbering the subsequent paragraphs in such section accordingly; and
- (2) adding at the end of such Act a new title IX as follows:

"TITLE IX

"THE LEGAL SERVICES PROGRAM

"SEC. 901. It is the purpose of this title to provide a legal services program to further the cause of justice among persons living in poverty by enlisting the support of lawyers and legal institutions and by providing legal advice, legal representation, counseling, education, and other appropriate services to such persons.

"DEFINITION OF LEGAL SERVICES PROGRAM

"SEC. 902. For purposes of this title, the term 'legal services program' shall include, without being limited to, the following:

- "(1) local legal services projects, staffed by attorneys to provide the full range of legal counseling and representation to eligible clients;
- "(2) projects and activities designed to encourage the entry of minority group members into law schools and the legal profession;
- "(3) projects and activities for recruiting lawyers for service in antipoverty and community development programs;
- "(4) projects and activities to encourage greater voluntary assistance by private attorneys and the mobilization of other community resources in antipoverty and community development programs;
- "(5) developing and coordinating education and information projects and activities to enlist and train professional and non-professional personnel for service in legal services projects;
- "(6) projects and activities designed to encourage State and local governments to adopt programs to make legal services more available to the poor and to adopt changes in State and local laws and judicial systems of States and localities so as to be more responsive to the needs of the poor.

"ADMINISTRATION

"SEC. 903. The Director shall designate one of the Assistant Directors appointed pursuant to section 601(a) of this Act as Assistant Director for Legal Services.

"FINANCIAL ASSISTANCE

"SEC. 904. (a) The Director may provide financial assistance to public or private non-profit agencies to develop or carry out legal services programs. The Director shall prescribe necessary rules and regulations gov-

erning applications for assistance under this section to assure that every reasonable effort is made by each applicant to secure the views of local public officials and agencies in the community having a direct or substantial interest in such an application and to resolve all issues of cooperation and possible duplication prior to its submission.

"(b) The Director shall make arrangements under which the State bar association and the principal local bar associations in the community to be served by any proposed project authorized by this paragraph shall be consulted and afforded an adequate opportunity to submit comments and recommendations on the proposed project before such project is approved or funded, and to submit comments and recommendations on the operation of such project after such project is approved and funded;

"(c) Whenever practicable, the Director shall make arrangements to encourage applicants for assistance under this title to carry out programs and projects assisted under this title in cooperation with the community action agency in the locality to be served by such program or project.

"LIMITATIONS

"SEC. 905. No financial assistance shall be provided under this title—

"(1) for the defense of any person prosecuted upon a charge of crime punishable upon conviction by imprisonment for more than one year, except in extraordinary circumstances where, after consultation with local officials and the court having jurisdiction and pursuant to regulations adopted for this purpose, the Director has determined that adequate legal assistance will not be available for an indigent defendant unless such services are provided under this title;

"(2) unless a plan setting forth the proposed legal services program to be assisted under this title has been submitted to the Governor of the State, and such plan has not been disapproved by the Governor within thirty days of such submission, or, if so disapproved, has been reconsidered by the Director and, pursuant to regulations adopted for this purpose, found by him to be fully consistent with the provisions and in furtherance of the purposes of this title. This subsection shall not, however, apply to assistance provided any institution of higher education in existence on the date of the approval of this Act.

"(3) unless the services to be provided in a community under such program will be in addition to, and not in substitution for, services previously provided in such community without Federal assistance, and funds or other resources devoted to programs designed to meet the needs of the poor within the community are not diminished in order to provide any contribution required under section 906.

"FEDERAL SHARE

"SEC. 906. Federal assistance under the provisions of this title shall not exceed 80 per centum of the cost of such programs, including administrative costs, unless the Director determines, pursuant to regulations establishing objective criteria for such determination, that assistance in excess of such percentage is required in furtherance of the purposes of this title. Non-Federal contributions may be made in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment and services. In valuing in-kind contributed services by an attorney, consideration should be given to the minimum fees suggested by the local and State bar association and the normal fees charged by the attorney for the type of service being provided. In determining the non-Federal contribution under this section, all local cash contributed to any agency or corporation rendering legal service to clients who would qualify under the provisions of this title shall be included, whether such program receives funds under this title or not.

"LEGAL SERVICE PROJECT BOARDS

"SEC. 907. (a) Each Legal Services project receiving assistance under this title shall administer its program through a governing board.

"(b) The Director shall issue rules, regulations, and guidelines regarding the composition, powers, and duties of the governing boards and their relationships with the local community action agencies, local government officials, and employees of the project.

"(c) (1) The Director shall promulgate such regulations relating to the scheduling and notice of meetings, quorums (which shall not be less than 50 per centum of the total membership), procedures, establishment of committees, and similar matters, as he may deem necessary to assure that boards established pursuant to subsection (a) provide a continuing and effective mechanism for securing broad community involvement in projects assisted under this title and that all groups or elements represented on those boards have a full and fair opportunity to participate in decisions affecting those projects. Such regulations shall not preclude any such board from appointing an executive committee or similar group, which fairly reflects the composition of the board, or to transact the board business between board meetings. The quorum requirements for any such committee or group, which shall not be less than 50 per centum of the membership, shall be established by the board.

"(2) The Director shall require, when appropriate, that such governing boards shall establish procedures under which any organization or representative group of the poor which feels inadequately represented on the governing board may petition for adequate representation.

"APPLICABILITY OF OTHER PROVISIONS OF FEDERAL LAW

"SEC. 908. The administrative provisions of title II of this Act, particularly with respect to auditing, reporting, and evaluating procedures, and administrative standards for personnel employed by and the management of projects, shall be applicable to the Legal Services Program authorized by this title to the extent not inconsistent with the provisions of this title. Nothing in this section shall be construed to affect the confidentiality of the attorney-client relationship.

"SUPPLEMENTAL PROGRAMS AND ACTIVITIES

"SEC. 909. The Director may provide, directly or through grants or other arrangements for (1) technical assistance to communities in developing, conducting, and administering programs under this title, (2) technical assistance to state and local government agencies and institutions in developing procedures and analyzing and amending laws so as to be more responsive to the needs of the poor, and (3) training for personnel needed to carry out programs assisted under this title, or which otherwise would serve the purposes of this title. Upon request of an agency receiving financial assistance under this title, the Director may make special assignments of personnel to the agency to assist and advise it in the performance of functions related to the assisted activity; but no such special assignment shall be for a period of more than two years in the case of any agency.

"DEMONSTRATION AND RESEARCH PROJECTS

"SEC. 910. The Director may provide financial assistance for pilot or demonstration projects conducted by public or private agencies which are designed to test or assist in the development of new approaches or techniques that will further the purposes of this title. The Director may also provide financial assistance for research which he determines will contribute to carrying out the purposes of this title.

"PROJECT COMPENSATION AND ALLOWANCES

"SEC. 911. (a) Financial assistance under this title may include funds to provide a rea-

sonable allowance for attendance at meetings of any Legal Services project governing board, neighborhood council, or committee, as appropriate to assure and encourage participation of members of groups and residents of areas served in accordance with the purposes of this title, and to provide reimbursement of actual expenses connected with those meetings; but those funds (or matching non-Federal funds) may not be used to pay allowances in the case of any individual who is a Federal, State, or local government employee, or an employee of any community action agency or Legal Services project, or for payment of an allowance of any individual for attendance at more than two meetings a month.

"(b) The Director shall issue necessary rules or regulations to assure that compensation received by staff attorneys and other professional employees of the local Legal Services project is to assure effectiveness and otherwise be in accordance with the purposes of this title.

"(c) No officer or employee of the Office of Economic Opportunity shall serve as member of a board, council, or committee of any agency conducting a program receiving financial assistance under this title; but this shall not prohibit an officer or employee from serving on a board, council or committee which does not have any authority or powers in connection with a program assisted under this title.

"DURATION OF THE PROGRAM

"SEC. 912. The Director shall carry out the provisions of this title during the fiscal year ending June 30, 1970, and for the four succeeding fiscal years."

LIMITATION OF THE POWER TO DELEGATE CERTAIN FUNCTIONS

SEC. 3. The authority of section 602(d) of the Economic Opportunity Act of 1964 shall not apply to the Legal Services program authorized under title IX of such Act. The Director shall not delegate the program authorized under such title IX to any other Federal agency.

TECHNICAL AMENDMENT

SEC. 4. Section 601(a) of the Economic Opportunity Act of 1964 is amended by striking out "five" in the third sentence of such section and inserting in lieu thereof, the word "six".

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. For the purposes of carrying out programs under title IX of the Economic Opportunity Act of 1964, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1970, the sum of \$80,000,000 and for the fiscal year ending June 30, 1971, the sum of \$100,000,000, and for each of the three succeeding fiscal years, the sum of \$150,000,000.

S. 1297—INTRODUCTION OF BILL REMOVING ALL AGE RESTRICTIONS FROM RETIREMENT AFTER 30 YEARS' SERVICE UNDER CIVIL SERVICE RETIREMENT SYSTEM

Mr. MAGNUSON. Mr. President, I have introduced today a bill (S. 1297) designed to provide an important and desirable improvement to the civil service retirement system by removing all age restrictions from retirement after 30 years.

A sound and reasonably liberal retirement system is one of the mainstays of a career civil service.

Just as the adequate salary schedule compensates an employee during his years of duty status, a satisfactory retirement system provides security at the end of his working span. Otherwise, it

would be necessary in many instances for the employee to work until well past the commonly accepted retirement age or to seek employment outside Government service to augment a retirement annuity which is not sufficient for his needs.

Liberalizing the retirement system also provides a sound and humane method of opening avenues to promotion for those who are equipped to assume the responsibilities of employees who are ready and able to retire.

An employee will be ready to retire if he believes that he can afford to take advantage of the opportunity for retirement. It is my belief that if he has already served 30 years, he should be the one to make the decision as to whether he wishes to work any longer.

For this reason, by bill, S. 1297, provides for retirement after 30 years of service regardless of age.

My bill takes advantage of beneficial results we have learned from the military retirement system which is the notable example of retirement after 30 years of service, as well as after the shorter period of 20 years. My bill has the further important objective of encouraging persons who enter the civil service to make it a career.

Some persons might decry removing age restrictions on retiring. Yet the military retirement system is a refutation of their concern over experienced persons leaving the civil service at a relatively early age. Such concern was expressed on behalf of the Civil Service Commission and others who oppose retirement after 30 years' service regardless of age. The military serviceman who may retire at age 38 after 20 or at age 48 after 30 years may represent an even greater investment for the Federal Government. In many instances education and training have been provided at Government expense. This expense is even greater when one considers that the retirement program requires no contribution by the serviceman.

Why should there be greater reluctance to lose the services of a civilian who retires after 30 years of service than there is for the military person? Furthermore, why should this concern be directed only toward persons completing 30 years of service when the same concern is not shown when the civilian's departure is voluntary. The civilian also may be forced to leave the service through a reduction in force and in so doing his period of service still falls short of his potential contribution. Yet it does not seem to cause as much anxiety for opponents of 30-year retirement regardless of age.

It is my considered opinion that apprehension over the Government losing persons by retirement is without sound foundation when there is too little concern over losing thousands of employees each year because the Federal civil service apparently is unable to offer the incentive which would retain these persons on the Government employment roll. I have in mind especially those employees who leave their jobs voluntarily for reasons which are valid to them but which in many instances would not impel them to leave if they were convinced that the Government offers a satisfactory career.

For these reasons, I have introduced my bill to provide for voluntary retirement after 30 years of Federal service and, I wish to emphasize, I shall exert every effort to have it passed in this session.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1297) to amend the Civil Service Retirement Act so as to permit retirement of employees with 30 years of service on full annuities without regard to age, introduced by Mr. MAGNUSON (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 1298—INTRODUCTION OF BILL ON CHARGING CUSTOM AND QUARANTINE FEES FOR PRIVATE AIRCRAFT AND MARINE VESSELS

Mr. MAGNUSON. Mr. President, I introduce today, for appropriate reference, a bill which would eliminate the highly discriminatory and unnecessarily confusing method of charging custom and quarantine fees for private aircraft and marine vessels after regular hours.

In essence, the present system places an unfair financial burden on the citizen who wishes to travel across the border by private plane or vessel. Not only must he pay a fee not incurred by the land traveler, but also he must undergo the uncertainties regarding the exact amount of his customs payment. Depending on the number of people journeying between two countries, his fee may vary from \$65 to \$1.

The legislation I introduce today would provide that such inspection fees be eliminated entirely during regularly established hours on Sundays and holidays and that a flat rate be charged for inspection and quarantine services performed during periods other than the regularly established hours of service.

The present regulations were established in 1911—a time when only the wealthy could afford pleasure boats and a period when planes were virtually nonexistent. Today, this has changed. Private planes and vessels used for pleasure and business purposes number in the thousands. The economies of our communities located along national borders depend, to a sizable degree, on this international traffic.

Freedom from these restrictive and confusing charges would increase this traffic. It would provide a reasonable inspection service at the time it is most required—on Sundays, holidays, and during the early evening hours. It would reduce the inordinate amount of paperwork now required under existing law—and at the same time, decrease the expenses incurred in maintaining the present system.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1298) to promote the domestic and foreign commerce of the United States by modernizing practices of the Federal Government relating to the inspection of persons, merchandise, and conveyances moving into, through, and out of the United States, and for other purposes, introduced by Mr. MAG-